

SUMMARY OF INCIDENT..

Investigator: Sgt. Monaghan	Team #: #5	Supervisor: Captain Miley
Date of Report: 01/24/91	CCRB No.: 9003003	Classification: Force
Date and Time of Incident: 10/10/90 2300	Date and Time Reported to C.C.R.B. 10/12/90	
Location of incident: § 87(2)(b) Bx. N.Y.	Precinct 46pct.	

C O M P L A I N T	NAME § 87(2)(b)	STREET	CITY/BOROUGH Bx.	STATE N.Y.	ZIP CODE 10460
V I C T I M					
A T T Y					
W I T N E S S	Representing § 87(2)(b) Bx. N.Y.				

MEMBERS OF THE SERVICE

RANK	NAME	SUB- JECT	WIT- NESS	SHIELD NO.	CMD.	TAX REG NO.	DUTY STATUS	ASSIGNMENT	RACE
Sgt. McCarthy		X		03511	46	885671	X <input type="checkbox"/>	Patrol sup.	Wh.
P.O. Murray		X		22454	46	880112	X <input type="checkbox"/>	operator	Wh.
P.O. Bravato		X		18349	46	888465	X <input type="checkbox"/>	Sec. E	Wh.
P.O. Arnold		X		06960	46	883454	X <input type="checkbox"/>	Sec. E	Wh.

ALLEGATIONS

- | | | |
|---|--------|------------------------|
| A) Compl. alleged she was grabbed and pushed. | SOURCE | APPENDIX ENCLOSURE NO. |
| B) Ethnic slur. | Intv. | (Enc.#6a) |
| C) Profanity | Intv. | (Enc.#6B) |
| | Intv. | (Enc.#6B) |

COMMUNICATIONS TO BE ANSWERED:

P.C. Brief	Mayor's Office	I.A.D. Review	Other (specify)
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REPORT OF INVESTIGATION OF
CIVILIAN COMPLAINTS

ENDORSEMENTS

SHEET "G"

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1ST ENDORSEMENT

C.C.R.B. # 9003003

Jan 31, 91

From: Civilian Complaint Supervisor

Deputy Civilian Complaint Supervisor

To: Executive Director, Civilian Complaint Review Board

The undersigned recommends that this matter be filed as:

§ 87(2)(g)

Capt. Edward A. Beale
Signature

2ND ENDORSEMENT

3/8/91

From: Executive Director, Civilian Complaint Review Board

Deputy Director, Civilian Complaint Review Board

Deputy Assistant Director, Civilian Complaint Review Board

To: The Civilian Complaint Review Board

The undersigned recommends that this matter be filed as:

§ 87(2)(g)

JPTD.V.
Signature

This incident arose as a result of a city marshal attempting to take possession of the compl.'s vehicle. The compl. was subsequently arrested and charged with obstr. gov. admin. and assault 2nd.

The compl. alleged that she re-injured her back during this incident and received medical treatment at the § 87(2)(b) On 10/25/90 I.O. sent a request for medical records (Enc.#7) On 01/23/91 I.O. contacted the § 87(2)(b) records unit and was informed that they are unable to locate records request. I.O. faxed a second request for medical records. (Enc.#31)

During the interview the compl. stated that her glasses were thrown to the floor. Compl. stated that her glass were returned to her unbroken. All MOS involved denied throwing the compl.'s glasses to the floor, however it is possible that the compl.'s glass fell to the floor during this incident.

Investigation revealed that P.O. Aviles and P.O. Bases were not present when this incident took place, nor was any allegation made against these officers, therefore they have been expunged from the record.

(Enc.#32a)

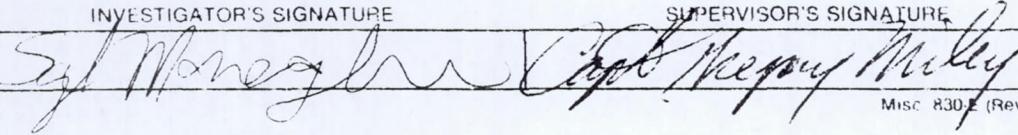
SUMMARY OF FINDINGS AND RECOMMENDATIONS

ALLEGATION	CLASSIFICATION				FINDINGS AND RECOMMENDATIONS § 87(2)(g)
	F	A	D	E	
A)	X				
B)					
C)		X		X	

TOTAL ENCLOSURES

8

INVESTIGATOR'S SIGNATURE



SUPERVISOR'S SIGNATURE

Misc 830-E (Rev 1-88)91

ALLEGATION (A)

SUMMARY OF INVESTIGATION

C.C.R.B. No. 9003003

§ 87(2)(b) Compl., [REDACTED] stated that the subject officers grabbed her arms and pushed her against the car. *Note: Compl. stated that she was trying to keep her hands free so no cuffs could go on her.

(Enc.#6a)

Witness, City Marshal Locascio stated that the subject officers did physically restrain the compl., because she was in a "rage", kicking and pushing. He stated that the officers were not using unnecessary force and that they acted as "professionally as possible".

(Enc.#18)

Subject officers, Sgt. McCarthy and P.O. Murray stated that the compl. was resisting arrest, kicking and pushing and that they had to physically grab the compl., put her against the car, to restrain her, put her hands behind her back and struggled to handcuff her.

(Enc.#'s 10 & 12)

ANALYSIS/FINDING (Omit Recommendations)

Allegation (A) § 87(2)(g) [REDACTED]

ALLEGATION (B)

SUMMARY OF INVESTIGATION

C.C.R.B. No 9003003

On the original complaint to C.C.I.B. the compl. alleged that the subject officers called her a " black uneducated bitch."

(Enc.#1B)

When interviewed and questioned by I.O. as to what specifically did the subj. say in regards to uneducated bitch the compl. stated that the officers said "shut the fuck up you uneducated bitch. Compl. made no statement as to black or racial slur. *Note: approximately 3 minutes after the first interview the compl. was reinterviewed and specifically asked by I.O. if any racial slurs were made during this incident, due to the fact that on the original complaint the compl. alleged that a MOS called her an uneducated black bitch, only at that point , when specifically asked if any racial slurs were made compl. stated that the officers said shut the fuck up stupid nigger bitch.

(Enc.#6B)

Witness, City Marshal Locascio stated that the MOS did not use profanity, curse or any racial slurs as alleged.

(Enc.#18)

Subject officers, Sgt. McCarthy and P.O. Murray stated that they did not curse or use any racial slurs as alleged.

(Enc.#10&12)

ANALYSIS/FINDING (Omit Recommendations)

Allegation (B) § 87(2)(g) [REDACTED]

ALLEGATION (C)

SUMMARY OF INVESTIGATION

C.C.R.B. No. 9003003

Compl. alleged that while in the RMP the subject officer intentionally tightened the handcuffs, held her against the window and said shut the fuck up, you stink and I don't want you near me.

(Enc.#6b)

Subject officer, P.O. Bravato denied the allegation.

(Enc.#26)

Subject officer's partner, P.O. Arnold stated that he did not hear the compl. complain that the cuffs were too tight nor did he observe his partner tighten the cuffs , hold the compl. against the window or use profanity as alleged.

(Enc.#28)

ANALYSIS/FINDING (Omit Recommendations.)

Allegation (C)

§ 87(2)(g) [REDACTED]